

EXHIBIT D

The Rafilson Law Firm, PLLC
1318 Royal Palm Lane, Carrollton, TX 75007

Ari Rafilson
Telephone: (214) 789-4035
Fax: (972) 236-5397
ari@rafilsonlawfirmpllc.com

VIA EMAIL TO WHITEJ@HOWREY.COM

August 10, 2009

Jason White
Howrey LLP
321 North Clark Street, Suite 3400
Chicago, IL 60654

Re: nXn Tech, LLC v. Google Inc., et al.

Dear Jason:

nXn proposes a meet and confer for Tuesday or Wednesday morning. Please advise regarding availability. Ideally such a call with Yahoo would run back-to-back with a call for *Bright Response v. Google*. nXn would specifically like to discuss (1) dates for nXn's second and third deposition notices to Yahoo, (2) nXn's deposition of Ivan Markman, Matthew Hall, Sean Suchter, and Raymond Ko, and (3) Yahoo's production of source code in the above referenced case. **Frankly nXn nXn is puzzled by Yahoo's statements over the past several weeks that code for the above-referenced case should be available promptly as such statements have not resulted in the production of any code.**

Sincerely,



Ari Rafilson